



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Project Number:** 2101229

**Applicant:** Andrew Novion for Gronvold Construction

**Address of Proposal:** 4308 Greenwood Avenue North

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to construct two 2-unit townhouse structures with an attached first level garage for each unit in an environmentally critical area. Project includes demolition of two existing single family dwellings and a detached garage, and 1,700 cubic yards of grading.

The following approval is required:

**SEPA – Environmental Determination - (SMC Chapter 25.05)**

**SEPA DETERMINATION:**      ☐ Exempt   ☒ DNS   ☐ MDNS   ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

\*\*Early Notice DNS published July 5, 2001

Related Project #2103394, ECA exemption request to waive steep slope development standards was granted, but ECA Geological Hazard Areas submittal standards are still applicable for property addressed 4308 Greenwood Avenue North.

**BACKGROUND DATA**

**Site and Vicinity Description**

The subject site is located between North 44<sup>th</sup> Street and North 43<sup>rd</sup> Street on Greenwood Avenue North in the Fremont neighborhood. The site combines two parcels of land (addressed 4308 & 4312 Greenwood Avenue North) to form a total development site of 10,000 square feet

in a Multifamily Lowrise 1 (L-1) zone. The minimum density requirement for the zone is 1,600 square feet of lot area per dwelling unit. The site is square in shape with a dramatic elevation change of 10 feet within the first 15 feet from the front property line that gently slopes upwards over the remaining portion of the site. The subject site is modestly vegetated with overgrown shrubs and small trees spread out over the entire lot. Two vacated residential structures and one detached terrace garage currently occupy the development site. Greenwood Avenue North which abuts the property along the subject site's west property boundary line appears to be a quiet street serving the immediate residential neighborhood. The street is fully improved with concrete sidewalks, curbs and gutters.

The subject site is located in the southwest corner of moderately sized L-1 zone in the north sector in the Fremont neighborhood. Directly across the street are a number of two-story 3 to 4 unit apartment houses that were built in the early 1900's. The residential mix in the L-1 zone is tilted towards multifamily uses in the area. Zoning in the surrounding area includes Single Family 5000 to the west and south, a small zoning band of Multifamily Lowrise Duplex/Triplex is located due southeast of the subject site. Development in the immediate vicinity is predominantly a mixture of single family and multifamily uses. A small quaint neighborhood coffee shop anchors this quiet corner in this residential neighborhood.

#### Proposal Description

The applicant proposes to combine two parcels of land and construct two 2-unit townhouse structures to consist of a total of four dwelling units in an environmentally critical area. Vehicular access to the proposed site will be available through Greenwood Avenue North located west of the development site and parking would be provided within the proposed structures. Project includes the demolition of two existing single family dwelling units and one detached garage structure. The site will be re-graded to accommodate new development, which will include excavation of approximately 1,450 cubic yards and fill of 250 cubic yards. Future development activity at the subject site may include adjusting the north property boundary line (Lot Boundary Adjustment) and the creation of four unit lots (Unit Lot Subdivision).

#### Public Comments

The comment period began on July 5, 2001 and was extended to August 01, 2001. A total of thirteen public comments letters were received. The respondents expressed some concerns covering a range of issues, which included changing the neighborhood character with the push of multifamily developments in an already dense unique urban residential environment. The removal of two existing single family structures was cited as diminishing the old charm character of single family presence in the immediate area. Additionally, view blockage upon adjoining lots with the proposed new construction was mentioned, as well as impacts related traffic congestion, and on-street parking. Also, neighbors voiced their concerns with environmental impacts related to existing soils conditions and stability of the existing slope. A couple of letters mentioned seeing wildlife at the development site. In addition, one person commented on the city's (i.e., DCLU and City Council) inability to measure impacts from a more progressive paradigm.

#### ANALYSIS - SEPA

The development site is located in a steep slope critical area, thus the application is not exempt from SEPA review. An Environmental Critical Areas (ECA) Exemption Requests & Modifications to Submittal Requirements was applied for and conditionally waived. The ECA Steep Slope Development Standards were waived pursuant to 25.09.040 on May 30, 2001, but the Geological Hazard Areas Development Standards as well as other applicable ECA standards will apply to the project. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential environmental impacts on this project was made in the threshold determination and environmental checklist prepared by Rod Novion on June 22, 2001. The information in the checklist, the supplemental information submitted by the application, field inspection, public comments and the experience of the lead agency with similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, that "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECA

areas with identified geologic hazards. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Air Pollution Control Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted.

#### Earth/Soils

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with geologic hazard areas and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted an application for an ECA exemption under project #2103394 in May 14, 2001. An ECA exemption was granted to waive steep slope development standards. However, ECA review is required because the site has soil conditions that need further scrutiny to properly evaluate subsurface, water conditions, and bearing strength capability. The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DCLU. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of building permits. Applicable codes and ordinance provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

#### Traffic

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck traffic associated with the hauling of debris will be of short duration and mitigated by enforcement of SMC 11.62.

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks, which minimizes the amount of spilled material and dust from the truck bed enroute to or from a site.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. The City Energy Code will require insulation for outside walls and energy efficient windows. The Land Use Code controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies. Potential long-term impacts that may occur on the identified environmentally critical area as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces. This long-term impact is not considered significant because the impacts are minor in scope.

The anticipated future land use activity at the development site which includes a Lot Boundary Adjustment and Unit Lot Subdivision have been evaluated and has been determined will not have an adverse impact. The creation of unit lots or adjusting property boundary lines constitutes no physical activity which would warrant additional scrutiny subject to SEPA policies.

#### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decision pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.303(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.303(2)(C).

#### **CONDITIONS - SEPA**

None.

Signature: (signature on file) Date: July 7, 2003  
Bradley Wilburn, Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Services